

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 21 FEET; (2) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 7,040 SQUARE FEET; AND (3) MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 64 FEET FOR A PROPOSED SCREEN ROOM IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

**Agenda Date** 1/26/04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 7,040 SQUARE FEET; (2) MINIMUM WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 64 FEET; AND (3) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 21 FEET FOR A PROPOSED SCREEN ROOM IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT) FRED AND RHONDA MUSCHAMP, APPLICANTS; OR
2. **DENY** THE REQUEST FOR (1) MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 7,040 SQUARE FEET; (2) MINIMUM WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 64 FEET; AND (3) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 21 FEET FOR A PROPOSED SCREEN ROOM IN THE R-1 (SINGLE-FAMILY DWELLING DISTRICT) FRED AND RHONDA MUSCHAMP, APPLICANTS; OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

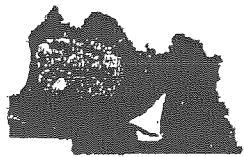
(Commission District #3, Van Der Weide)

(Francisco Torregrosa, Planner)

<b>GENERAL INFORMATION</b>	FRED & RHONDA MUSCHAMP, APPLICANTS 564 NOTRE DAME DRIVE ALT. SPGS., FL 32714	R-1 (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>THE APPLICANTS PROPOSE TO CONSTRUCT A SCREEN ROOM, WHICH WOULD ENCROACH 9 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK ON A NONCONFORMING LOT, WHICH DOES NOT MEET THE MINIMUM SIZE OR WIDTH AT THE BUILDING LINE STANDARDS OF THE R-1 DISTRICT.</li> <li>THE AFOREMENTIONED VARIANCES ARE REQUESTED.</li> </ul>	
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF ALL REQUESTED VARIANCES, AS</li> </ul>	

	<p>STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT:</p> <ul style="list-style-type: none"><li>○ SEMINOLE COUNTY ADOPTED COUNTYWIDE ZONING ON MAY 31, 1960, WHICH ORIGINALLY APPLIED A MINIMUM WIDTH AT THE BUILDING LINE STANDARD OF 70 FT AND A MINIMUM LOT SIZE OF 7,000 SF TO LOTS IN THE R-1 DISTRICT, INCLUDING THE SUBJECT PROPERTY. THE SUBJECT PROPERTY WAS PLATTED IN MARCH 1959 AS A PART OF WEATHERSFIELD, SECOND ADDITION, WHICH PREDATES THE ADOPTION OF ZONING. THIS FACTOR CONSTITUTES A HARDSHIP APPLICABLE TO THE EXISTING LOT SIZE AND WIDTH, FOR WHICH THE APPLICANT IS NOT RESPONSIBLE.</li><li>○ POLICY FLU 3.2, ANTIQUATED PLATS, OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN REQUIRES THE ELIMINATION OF ANTIQUATED (NONCONFORMING) LOTS THROUGH REPLATTING AND THE RECOMBINATION OF LOTS WHEN APPROPRIATE. BECAUSE THE PROPERTY OWNER OF RECORD IS NOT THE SAME FOR BOTH THE SUBJECT PROPERTY AND ABUTTING PROPERTIES, THERE IS NO OPPORTUNITY TO CREATE A CONFORMING LOT IN THE R-1 DISTRICT THROUGH THE RECOMBINATION OF THOSE PROPERTIES. VARIANCES FROM MINIMUM LOT SIZE AND WIDTH AT THE BUILDING LINE WOULD BE REQUIRED TO PROVIDE REASONABLE USE OF THE PROPERTY FOR DEVELOPMENT PURPOSES.</li><li>○ THE APPLICANT HAS OTHERWISE FAILED TO SATISFY THE VARIANCE CRITERIA FOR THE REQUESTED REAR YARD SETBACK VARIANCE, SINCE NO OTHER SPECIAL CONDITIONS PARTICULAR TO THE PROPOSED SCREEN ROOM OR PROPERTY EXIST, REASONABLE USE WOULD BE RETAINED WITHOUT THE VARIANCE, AND THE PROPOSED SCREEN ROOM WOULD FURTHER A NEIGHBORHOOD TREND OF REAR YARD ENCROACHMENT WITHOUT A DEMONSTRATED HARDSHIP.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF RECOMMENDS THE BOARD OF ADJUSTMENT CONSIDER THE STATED FINDINGS AND <u>APPROVE</u> THE REQUESTED MINIMUM LOT SIZE AND WIDTH AT THE BUILDING LINE VARIANCES. STAFF FURTHER RECOMMENDS THE BOARD <u>DENY</u> THE REQUESTED REAR YARD SETBACK VARIANCE.</p> <p>IF THE BOARD SHOULD DECIDE TO GRANT ANY OR ALL OF THE REQUESTED VARIANCES, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE</li></ul>

	<p>EXISTING LOT AND/OR PROPOSED SCREEN ROOM, AS DEPICTED ON THE ATTACHED SITE PLAN.</p> <ul style="list-style-type: none"><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>
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**SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. BV 2003-192

### APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

☒ **VARIANCE** REAR SET BACK FROM 25' TO 21' FOR SCREEN ROOM A PROPOSED

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☒ **EXISTING** ☐ **PROPOSED** ☐ **REPLACEMENT**

MOBILE HOME IS FOR

YEAR OF MOBILE HOME

SIZE OF MOBILE HOME

ANTICIPATED TIME MOBILE HOME IS NEEDED

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT
NAME	FRED RHONDA MUSCHAMP	
ADDRESS	564 NOTRE DAME DR.	
	ALTAMONTE SPRINGS 32714	
PHONE 1	407 617-3680	
PHONE 2	407 923-2649	
E-MAIL		

PROJECT NAME: MUSCHAMP

SITE ADDRESS: 564 NOTRE DAME DR.

CURRENT USE OF PROPERTY: RESIDENTIAL

LEGAL DESCRIPTION: LOT 29 Block 16 WEATHERSFIELD, SECTION ADJUTION

Block 12 pg 102 & 103 SEMINOLE COUNTY Flood C 1981

SIZE OF PROPERTY: 64' x 110' acre(s) PARCEL I.D. 15-21-29-509-1600-0290

UTILITIES: ☒ WATER ☐ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER

KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 1/26/04 MON 6 PM (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT\*

DATE

\*Proof of owner's authorization is required with submittal if signed by agent.

# ADDITIONAL VARIANCES

VARIANCE 2:

LOT SIZE VARIANCE FOR EXISTING HOME  
FROM 8,400 SQ. FT. TO 7,040 SQ. FT.

VARIANCE 3:

WIDTH AT BUILDING LINE VARIANCE FROM  
70' to 64'

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

## APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL \_\_\_\_\_

BCC PUBLIC HEARING DATE \_\_\_\_\_

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150 COMMISSION DISTRICT 3 FLU/ZONING LDR-R1

LOCATION FURTHER DESCRIBED AS LOCATED ON THE NORTH SIDE  
OF NOTRE DAME DR. 400' EAST OF THE INTERSECTION OF  
NOTRE DAME DR. + S. WEATHERSFIELD AVE

PLANNER VB DATE DEC 3, 2003

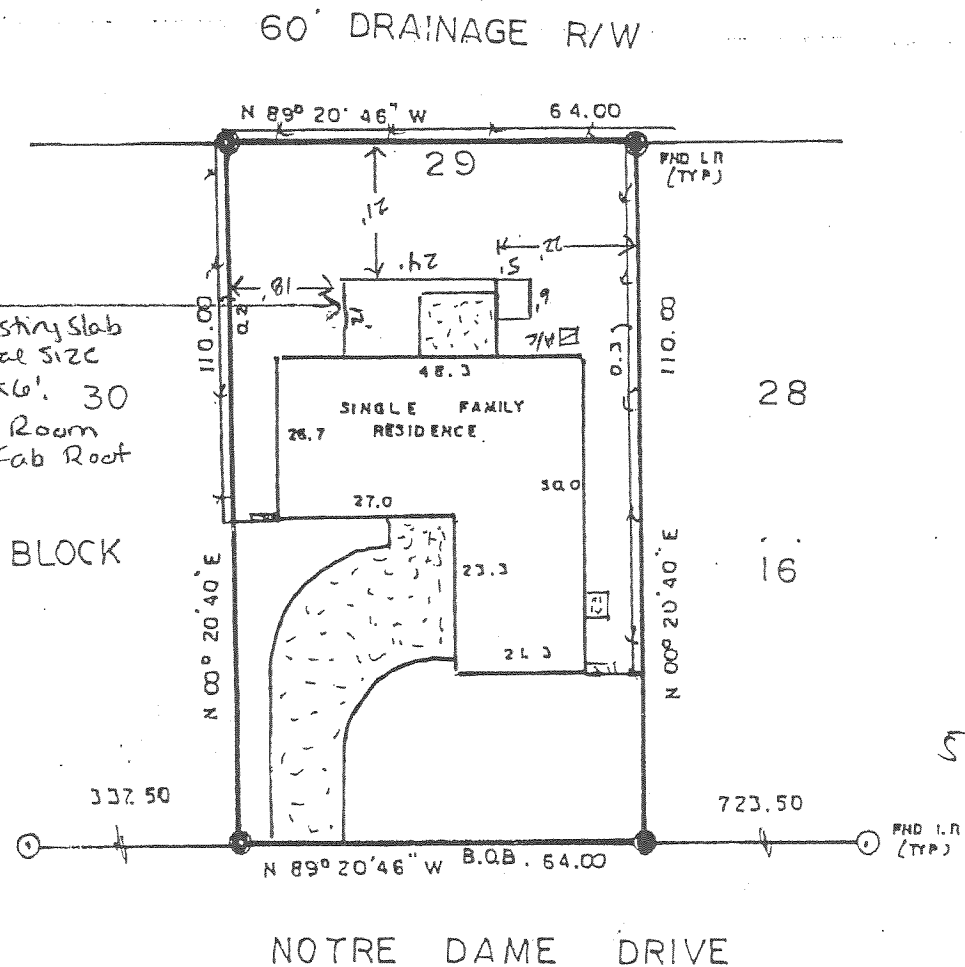
SUFFICIENCY COMMENTS \_\_\_\_\_

# BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 29, BLOCK "16", WEATHERSFIELD, SECTION ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 102 & 103, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE "C", AREA OF MINIMAL FLOODING AS PER F.I.R.M. COMMUNITY PANEL NUMBER 120289 0120 B, SEMINOLE COUNTY, FLORIDA. MAP DATED MAY 5, 1981.

Proposed:  
Pour over Existing Slab  
& Extend Total Size  
12' x 24' & 5' x 6'. 30  
Install Screen Room  
with 3" Dia Fab Roof  
12' x 24' x 12'.



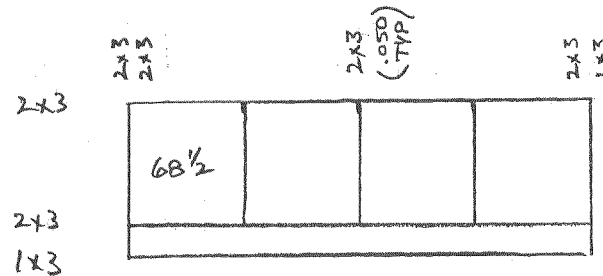
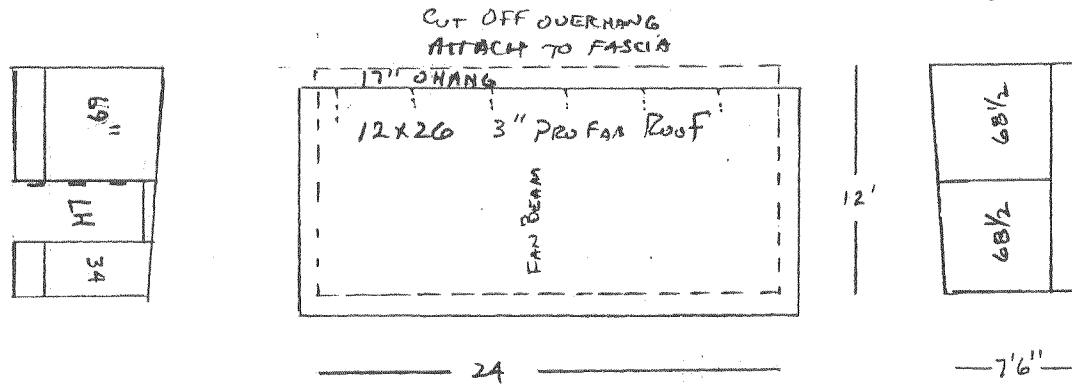
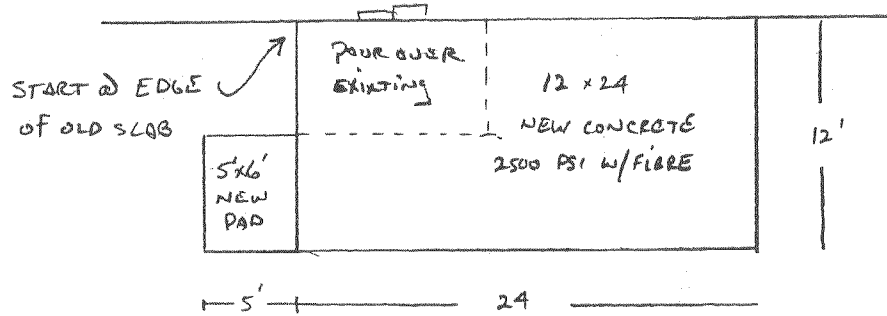
CERTIFIED TO: BENCHMARK TITLE AGENCY, INC.  
COMMONWEALTH LAND TITLE INSURANCE COMPANY  
NATIONAL CITY MORTGAGE  
FREDDY MUSCHAMP & RHONDA MUSCHAMP


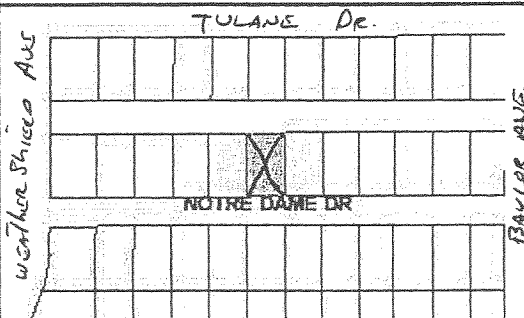
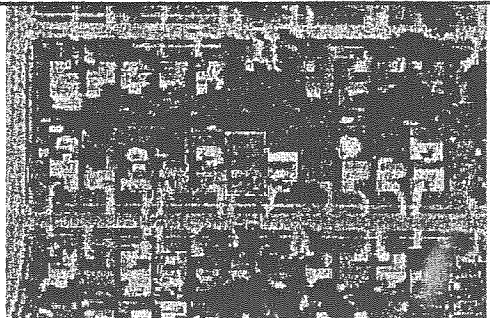
LEGEND:	I.R. - IRON ROD	I.P. - IRON PIPE	C.M. - CONCRETE MONUMENT	FND. - FOUND	CONC. - CONCRETE	COV. - COVERED	ENT. - ENTRANCE	S.W. - SIDEWALK	SCR. - SCREEN
	U.E. - UTILITY EASEMENT	D.E. - DRAINAGE EASEMENT	ESMT. - EASEMENT	P.C. - POINT OF CURVATURE	P.T. - POINT OF TANGENCY	P.O.B. - POINT OF BEGINNING	Δ - DELTA		

WHITE

12x24 SCEN ROOM W 3" PROFAB ROOF  
1 DOOR

Mr. & Mrs. Muschamp.  
564 Notre Dame Dr.  
Alt Springs 32-714



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	Back																																				
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																									
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 15-21-29-509-1600-0290      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: MUSCHAMP FREDDY &amp; RHONDA      Exemptions: 00-HOMESTEAD</p> <p>Address: 564 NOTRE DAME DR</p> <p>City, State, Zip Code: ALTAMONTE SPRINGS FL 32714</p> <p>Property Address: 564 NOTRE DAME DR ALTAMONTE SPRINGS 32714</p> <p>Subdivision Name: WEATHERSFIELD 2ND ADD</p> <p>Dor: 01-SINGLE FAMILY</p>			<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$71,263</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$15,500</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$86,763</p> <p>Assessed Value (SOH): \$81,535</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$56,535</p>																																						
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>10/2001</td> <td>04226</td> <td>1013</td> <td>\$88,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1991</td> <td>02336</td> <td>0041</td> <td>\$74,700</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>12/1985</td> <td>01700</td> <td>1218</td> <td>\$52,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1979</td> <td>01239</td> <td>1771</td> <td>\$32,600</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1977</td> <td>01145</td> <td>1848</td> <td>\$100</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	10/2001	04226	1013	\$88,500	Improved	WARRANTY DEED	08/1991	02336	0041	\$74,700	Improved	WARRANTY DEED	12/1985	01700	1218	\$52,000	Improved	WARRANTY DEED	08/1979	01239	1771	\$32,600	Improved	QUIT CLAIM DEED	01/1977	01145	1848	\$100	Improved	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>2003 Tax Bill Amount: \$936</p> <p>2003 Taxable Value: \$54,624</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>		
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<p align="center"><b>BUILDING INFORMATION</b></p> <table border="1"> <thead> <tr> <th>Bld Num</th> <th>Bld Type</th> <th>Year Blt</th> <th>Fixtures</th> <th>Gross SF</th> <th>Heated SF</th> <th>Ext Wall</th> <th>Bld Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SINGLE FAMILY</td> <td>1971</td> <td>6</td> <td>1,779</td> <td>1,336</td> <td>CONC BLOCK</td> <td>\$71,263</td> <td>\$83,593</td> </tr> </tbody> </table> <p align="center">Appendage / Sqft      GARAGE FINISHED / 443</p>						Bld Num	Bld Type	Year Blt	Fixtures	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New	1	SINGLE FAMILY	1971	6	1,779	1,336	CONC BLOCK	\$71,263	\$83,593																		
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									

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# Freddy & Rhonda Muschamp

## 564 Notre Dame Dr.



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 29 BLK 16 WEATHERSFIELD 2ND ADD PB 12 PG 103

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** FRED & RHONDA MUSCHAMP  
564 NOTRE DAME DRIVE  
ALTAMONTE SPRINGS, FL 32714

**Project Name:** NOTRE DAME DRIVE (564)

**Requested Development Approval:**

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 21 FEET;
2. MINIMUM LOT SIZE VARIANCE FROM 8,400 SQUARE FEET TO 7,040 SQUARE FEET; AND
3. MINIMUM LOT WIDTH AT THE BUILDING LINE VARIANCE FROM 70 FEET TO 64 FEET FOR A PROPOSED SCREEN ROOM.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa  
1101 East First Street  
Sanford, Florida 32771

**Order****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property:

The variance granted shall apply only to the existing lot and proposed screen room as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: